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ATTORNEYS FOR PLAINTIFFS,
NEC CORPORATION, NEC ELECTRONICS AMERICA,
INC., NEC AMERICA, INC., NEC DISPLAY
SOLUTIONS OF AMERICA, INC., NEC SOLUTIONS
(AMERICA), INC., NEC UNIFIED SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NEC CORPORATION, NEC ELECTRONICS AMERICA, INC., NEC AMERICA, INC., NEC DISPLAY SOLUTIONS OF AMERICA, INC., NEC SOLUTIONS (AMERICA), INC., NEC UNIFIED SOLUTIONS, INC.

Case No. C-05-4847-JCS

**LOCAL RULE 3-13 NOTICE OF
PENDENCY OF OTHER ACTION
OR PROCEEDING**

Plaintiffs,

V.

TECHNOLOGY PROPERTIES LIMITED,
INC., CHARLES H. MOORE, and PATRIOT
SCIENTIFIC CORPORATION.

Defendants.

1 A patent infringement case recently filed in the Eastern District of Texas involves the
 2 same subject matter and substantially the same parties as does this case. *See Technology*
 3 *Properties Ltd. v. Fujitsu Limited, et al.*, 2:05-cv-494-TJW (“the Texas case”). Both cases
 4 present the question whether the NEC Plaintiffs in this action¹ infringe any valid and enforceable
 5 claim of U.S. Patent 5,809,336 (“the '336 patent”) or two other patents in the '336 patent family.
 6 The Texas case also poses that question as to other alleged infringers, who have now also filed
 7 declaratory judgment actions in this Court.² Plaintiffs in those cases have, together with the
 8 NEC Plaintiffs, filed a Local Rule 3-12 motion seeking to have their cases and this one related to
 9 each other and to *Patriot Scientific Corporation v. Fujitsu Microelectronics America, Inc. et al.*,
 10 Case No. C 03-05787 (SBA). *See Exhibit 1.* The Patriot Scientific case also accused Fujitsu
 11 Computer Systems Corporation, Matsushita Electric Corporation of America, NEC Solutions
 12 (America), Inc., Sony Electronics, Inc., and Toshiba America, Inc. of infringing the '336 patent
 13 and had been pending in this Court for almost two years when the Texas case was filed. The
 14 Patriot Scientific case was itself the combination of five different cases that had been filed in
 15 four different jurisdictions and then referred to the Judicial Panel on Multidistrict Litigation. By
 16 stipulation, those cases were consolidated in the Northern District of California in Case No. C
 17 03-05787 (SBA).

18 The NEC Plaintiffs do not believe that this case should be transferred pursuant to 28
 19 U.S.C. § 1407 — rather, the Texas case should be dismissed, stayed or transferred here. In case
 20 management statements filed in the Patriot Scientific case, Technology Properties Limited
 21 (“TPL”) informed this Court that it would be stepping in as plaintiff and filing an amended
 22 complaint. By an October 4 Order in that action, the Court gave TPL until October 24 to do so.
 23

24 ¹ NEC Corporation, NEC Electronics America, Inc., NEC America, Inc., NEC Display
 25 Solutions Of America, Inc., NEC Solutions (America), Inc., and NEC Unified Solutions, Inc.

26 ² (1) *Fujitsu Computer Systems Corporation, et al. v. Patriot Scientific Corporation, et al.*, Case No. C 05-4837 (PVT); (2) *Toshiba America, Inc. et al. v. Patriot Scientific Corporation, et al.*, Case No. C 05-4838 (RS); (3) *Panasonic Corporation of North America, et al. v. Patriot Scientific Corporation, et al.*, Case No. C 05-4844 (RS); and (4) *JVC Americas Corporation v. Patriot Scientific Corporation, et al.*, Case No. C 05-4845 (JCS).

1 On October 24, instead of filing an amended complaint as it represented it would do, TPL filed
2 the Texas case and then, roughly one hour later, dismissed the Patriot Scientific case.

3 If TPL serves the complaint it filed in the Texas case (which it so far has not done), the
4 NEC Plaintiffs intend to move to dismiss, stay or transfer that case to this District, in order to
5 halt TPL's blatant attempt to forum-shop and to make an end-run around this Court's case
6 management efforts.

7 Dated: December 5, 2005

FOLEY & LARDNER LLP

8 By: /s/ Anthony H. Son

9 Anthony H. Son
10 David B. Moyer

11 Attorneys for Plaintiffs

12 *NEC Corporation, NEC Electronics America, Inc., NEC America, Inc., NEC Display Solutions of America, Inc., NEC Solutions America, Inc., NEC Unified Solutions, Inc.*

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